

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Debra Roschen, James Roschen, Megan
Roschen, Steve Drazkowski, Laura
Drazkowski, Kinsey Drazkowski, David
Harms, C. Merl Norman, Anna Mae
Norman, Beverly Snow, Jerry Snow,
Jerry Gelao, John Adams, Donna Adams,
Virginia Kautz, Julie Porcher, Marlin
Graves, Karen Graves

Plaintiffs,

v.

Wabasha County; Anoka County; Anoka
County Community Corrections and Its
Director Dylan Warkentin in his Individual
and official capacity; Benton County;
Blue Earth County; Blue Earth
County Community Corrections and its
Director Josh Milow in his individual
and official capacity; Chisago County;
Dakota County; Dodge County; Douglas
County; Faribault County, Goodhue County;
Hennepin County, Hennepin County
Community Corrections and its Director
Tom Merkel in his individual and official
capacity; Jackson County; Lake County;
Martin County; Mille Lacs County;
Nicollet County; Olmsted County; Ottertail
County; Ramsey County; Renville County;
St. Louis County; Scott County; Steele
County; Washington County; Winona
County; Wright County; Mona Dohman,
acting in her individual and official capacity
as Commissioner of Public Safety; Lori
Swanson, in her individual capacity and
official capacity as Attorney General of
Minnesota; Colonel Kevin Daly in his
individual capacity and official capacity as
Chief of State Patrol of Minnesota, Lucinda

Case No. 13-CV-2490 (ADM/SER)

**MOTION TO DISMISS BY
DEFENDANTS WABASHA COUNTY,
BENTON COUNTY, BLUE EARTH
COUNTY, BLUE EARTH COUNTY
COMMUNITY CORRECTIONS AND
JOSH MILOW, CHISAGO COUNTY,
DODGE COUNTY, DOUGLAS
COUNTY, FARIBAULT COUNTY,
GOODHUE COUNTY, JACKSON
COUNTY, LAKE COUNTY, MARTIN
COUNTY, MILLE LACS COUNTY,
NICOLLET COUNTY, OTTER TAIL
COUNTY, RENVILLE COUNTY,
SCOTT COUNTY, STEELE COUNTY,
WASHINGTON COUNTY, WINONA
COUNTY AND WRIGHT COUNTY**

Jesson in her individual and official capacity as Commissioner of Minnesota Department of Human Services; Tom Roy in his individual capacity and official capacity as Commissioner of Minnesota Department of Corrections; Jeff Shorba in his individual capacity and official capacity as State Court Administrator; City of Austin; City of Cannon Falls; City of Chaska; City of Cloquet; City of Deerwood; City of Duluth; City of Eagan; City of Fairmont; City of Goodview; City of Hastings; City of Kasson; City of Kenyon; City of Lake City; Lakes Area Police Department; City of Mantorville; City of Medina; City of Minneapolis; City of Minnetonka; City of Oakdale; City of Park Rapids; City of Plainview; City of Prior Lake; City of Red Wing; City of Richfield; City of Rochester; City of Rosemount; City of Roseville; City of Sartell; City of St. Cloud; City of St. Paul; City of Staples; City of Stillwater; City of Wabasha; City of Waterville; City of Wells; City of White Bear Lake; City of Winona; Fond du Lac Police Department; Metro Transit Police Department; John and Jane Does (1-1000) acting in their individual capacity as supervisors, officers, deputies, staff, investigators, employees or agents of law enforcement agencies sited in Minnesota; Department of Public Safety Does (1-30) acting in their in their individual capacity as officers, supervisors, staff, employees, independent contractors or agents of the Minnesota Department of Public Safety; and Entity Does (1-50) including cities, counties, Municipalities, district courts, court services, and other entities sited in Minnesota;

Defendants.

Based upon all the files, records, and proceedings herein, Defendants Wabasha County, Benton County, Blue Earth County, Blue Earth County Community Corrections and Josh Milow, Chisago County, Dodge County, Douglas County, Faribault County, Goodhue County, Jackson County, Lake County, Martin County, Mille Lacs County, Nicollet County, Otter Tail County, Renville County, Scott County, Steele County, Washington County, Winona County and Wright County hereby move the Court pursuant to Fed. R. Civ. P. 12(b)(6) and 12(c) to:

1. Dismiss Plaintiffs' Complaint, and all the claims stated therein against Defendants Wabasha County, Benton County, Blue Earth County, Blue Earth County Community Corrections and Josh Milow, Chisago County, Dodge County, Douglas County, Faribault County, Goodhue County, Jackson County, Lake County, Martin County, Mille Lacs County, Nicollet County, Otter Tail County, Renville County, Scott County, Steele County, Washington County, Winona County and Wright County, in its entirety with prejudice and on the merits because Plaintiffs fail to state a claim upon which relief can be granted and because many of Plaintiffs' claims are barred by the statute of limitations;
2. Enter judgment accordingly; and
3. Award Defendants Wabasha County, Benton County, Blue Earth County, Blue Earth County Community Corrections and Josh Milow, Chisago County, Dodge County, Douglas County, Faribault County, Goodhue County, Jackson County, Lake County, Martin County, Mille Lacs County, Nicollet County, Otter Tail County, Renville County, Scott County, Steele County, Washington County, Winona County and

Wright County their reasonable costs and disbursements in their entirety and to be determined.

Date: 10/21/13

JARDINE LOGAN AND O'BRIEN, PLLP

By: 

JESSICA E. SCHWIE (A.R. #296880)

JOSEPH E. FLYNN (A.R. #165712)

JAMIE L. GUDERIAN (A.R.#0391745)

8519 Eagle Point Boulevard, Suite 100

Lake Elmo, MN 55042

Phone: 651-290-6500

Fax: 651-223-5070

Email: jschwie@jlolaw.com

jflynn@jlolaw.com

jguderian@jlolaw.com

**Attorneys for Defendants Wabasha County,
Benton County, Blue Earth County, Blue
Earth County Community Corrections and
Josh Milow, Chisago County, Dodge
County, Douglas County, Faribault County,
Goodhue County, Jackson County, Lake
County, Martin County, Mille Lacs County
Nicollet County, Otter Tail County, Renville
County, Scott County, Steele County,
Washington County, Winona County and
Wright County**